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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/664,182 | 09/17/2003 | Brian M. Shirley | 303.361US3 | 3322 |

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EXAMINER

HUR, JUNG H

ART UNIT PAPER NUMBER

2824

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,182

Applicant(s)

SHIRLEY, BRIAN M.

Examiner

Jung (John) Hur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/17/03</u> . | 6) <input checked="" type="checkbox"/> Other: <u>search history</u> . |

DETAILED ACTION

Information Disclosure Statement

1. Acknowledgment is made of applicant's Information Disclosure Statement (IDS) Form PTO-1449, filed 17 September 2003. The information disclosed therein was considered.

Specification

2. The disclosure is objected to because of the following informalities: In the first paragraph on page 1, the status of U.S. Pat. Appl. No. 10/008,409 needs to be updated; specifically, said application has matured into U.S. Pat. No. 6,643,206.

Appropriate correction is required.

3. Claim 1 is objected to because of the following informalities: Said claim recites three times the phrase "a redundant row of memory cells" in lines 4, 5 and 10; however, they appear to be referring to the same thing. It is suggested that the limitation "a redundant row of memory cells" in line 5 be moved between lines 2 and 3, and correct the antecedent basis problems in other occurrences of the phrase in the claim.

Appropriate correction is required.

4. Claim 38 is objected to because of the following informalities: Said claim recites three times the phrase "a redundant row of memory cells" in lines 3-4, 5 and 10; however, they appear to be referring to the same thing. It is suggested that the limitation "a redundant row of memory

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cells” in line 5 be moved between lines 2 and 3, and correct the antecedent basis problems in other occurrences of the phrase in the claim.

Appropriate correction is required.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-61 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,317,370. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1-37 are anticipated by claims 1-29 of Patent ‘370, since fuses and antifuses recited in claims 1-29 of Patent ‘370 are species of “current path modifying means” and “further current path modifying means” recited in claims 1-37.

Claims 38-61 are anticipated by claims 1-29 of Patent ‘370, with the exception of a fast/slow antifuse to delay the row address strobe signal (instead of a fast/slow fuse recited in claims 1-29 of Patent ‘370). However, it would have been obvious at the time the invention was

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made to a person having ordinary skill in the art to substitute a fast/slow antifuse for the fast/slow fuse in claim 1-29 of Patent '370, since an antifuse and a fuse are equivalent means of changing current path, well known in the art.

7. Claims 63-76 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-10 and 17-25 of U.S. Patent No. 6,643,206. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claim 63-76 are anticipated by claims 5-10 and 17-25 of Patent '206, with the exception of a fast/slow antifuse to delay the row address strobe signal (instead of a fast/slow fuse recited in claims 5-10 and 17-25 of Patent '206). However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to substitute a fast/slow antifuse for the fast/slow fuse in claim 5-10 and 17-25 of Patent '206, since an antifuse and a fuse are equivalent means of changing current path, well known in the art.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McElroy (U.S. Pat. No. 4,687,951) discloses fuse links for varying chip operating parameters.

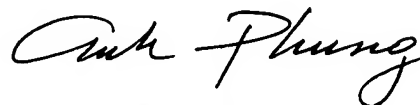
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung (John) Hur whose telephone number is (571) 272-1870. The examiner can normally be reached on M-F 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jhh



**ANH PHUNG
PRIMARY EXAMINER**